

Amendments to the Drawings

The attached sheet of replacement drawings include edits to, and replace the drawing sheets including, Figs. 1, 4, 6a, 6b, 6d, and 8.

Attachments: Replacement Sheets
Annotated Sheets Showing Changes

Remarks

Status of Claims

Claims 16 and 17 are amended and claim 27 is newly added by this amendment, such that claims 1-14 and 16-27 are pending in the application. Please note that claim 27 corresponds to previously cancelled and unexamined claim 15. Claims 16 and 17, previously depending from claim 15, have been amended to depend from claim 27. Entry of the amendments is respectfully requested.

Examiner Interview

The Undersigned and Applicants wish to thank Examiner Rapillo for conducting the phone interview of February 22, 2008. During the interview, the status of U.S. Patent No. 7,009,511 as a § 102(e) reference was discussed briefly. No substantive agreement as to patentability of the claims was reached during the interview.

Objections to the Drawings and Amendment of the Specification

The various objections to the drawings (Office Action Items 1-6) have been addressed via amendments to the specification or drawings correcting inadvertent, typographical errors, or are otherwise addressed as follows:

With respect to Fig. 1:

Fig. 1 has been amended to include the designation "Prior Art."

With respect to Fig. 2:

The specification is amended such that:

Reference to communications network as 212 has been amended to 202.

Reference to programmer as 220 has been amended to 212.

Reference to mobile monitor as 228 has been amended to 220.

Reference to data input device as 220 has been amended to 222.

Reference to data input device 258 in the specification is believed proper. See, e.g., paragraph 0072 explaining that specialist system 256 has a data input device 258 in communication with it.

Reference to data input device 224 in the specification is believed proper. See, e.g., paragraph 0056 explaining that “where the data is not available, the physician may send a communication via data input device 222 to a system representative system 226. A system representative utilizing data input device 224 can determine the availability of the requested data, and in real time provide the data to data input device 222 where the physician can verify and/or authenticate the data” (emphasis added). Thus, reference number 224 is in both the description and present in Fig. 2.

With respect to Fig. 3:

Paragraph 0079 has been amended to specifically recite that data is gathered for upload at block 340. Thus, reference number 340 is both present in the description and in Fig. 3. This amendment is fully supported by the application as filed, including, for example, the surrounding context and Fig. 3 itself.

With respect to Fig. 4:

Fig. 4 has been amended to reference “Decoded” as 448 for Port A (rather than 438), “IMD Type A Interpretation” as 445 for Port C (rather than 443), and “Decoded” as 454 for Port C (rather than 434), all of which are in accord with the specification.

With respect to Fig. 6a:

Fig. 6a has been amended to reference “Receive Participant Information” as 608 (rather than 605), which is in accord with the specification.

With respect to Fig. 6b:

Fig. 6b has been amended to reference “Correct Invalid Field Entry” as 618a (rather than 618), to reference “Correct Invalid Data” as 618b (rather than 619), and to reference “Enter Additional Data” as 619 (rather than 620). Paragraphs 0112 and 0113 have also been amended as appropriate in view of those changes.

Paragraph 0114 of the specification has been amended such that reference to “Backup Measurements Taken?” as 619 has been changed to 616 placing the drawings and specification in accord.

The failure to show reference number 622 in Fig. 6b is not believed objectionable. Paragraph 0107 has been amended to further clarify that the description is generally being undertaken with reference to Fig. 6a with specific instances referencing the other figures, e.g., Fig. 6b, at the end of paragraph 0106.

With respect to Figs. 6a and 6b:

Reference to “Validate Participant Entered Information” as 610 in Figs. 6a and 6b and Validate Fields as 611 in Fig. 6b is believed proper. In order to further clarify the use of these reference numbers, paragraph 0106 has been amended to further reflect that block 611 and 612, for example, are part of a method of performing block 610. In view of the foregoing, the failure to show reference numbers 611 and 612 in Fig. 6a is not believed objectionable.

With respect to Fig. 6d:

Fig. 6d has been amended to reference “Enter Reimbursement Information” as 642 (rather than 644), which is in accord with the specification.

With respect to Fig. 8:

Reference number 835 has been removed from the drawings.

In view of the foregoing, all drawing objections have been overcome. Withdrawal of the objections and notice to that effect are respectfully requested.

35 U.S.C. §112, Second Paragraph

Claims 16, 17, and 25 stand rejected under 35 U.S.C. 112, Second Paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 16 and 17 were rejected for depending from cancelled claim 15. Those claims have been amended to depend from claim 27, thereby addressing those grounds for rejection. Withdrawal of the rejection and notice to that effect are respectfully requested.

Claim 25 was rejected due to a perceived grammatical error. The Office Action suggests having the claim read “wherein the recipient is a patient of the physician” instead of “wherein the recipient is a physician of the patient.” However, the recipient of claim 25 is in fact “a physician of the patient” as previously written and the claim language is clear in that respect. Withdrawal of the rejection and notice to that effect are respectfully requested.

Claim Rejections Under § 103

Claims 1-14 and 16-26 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,669,631 (“Norris”) in view of U.S. Patent No. 7,009,511 (“Mazar”).

The instant application has a filing date of February 27, 2004 (2-27-04).

Mazar has an earliest publication date of June 17, 2004 (6-17-04).

Mazar thus was asserted as prior art under 35 U.S.C. § 102(e).

Under 35 U.S.C. § 103(c), subject matter which qualifies as prior art only under one or more of subsections (e), (f), and (g) of § 102, does not preclude patentability where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Statement Concerning Common Ownership

The instant Application and U.S. Patent 7,009,511 ("Mazar") were, at the time the claimed invention of the instant Application was made, owned by Cardiac Pacemakers, Inc. Therefore, Mazar is disqualified as prior art for use in a 35 U.S.C. § 103 rejection.

In view of the foregoing, and the statement concerning common ownership, Mazar is disqualified as prior art under 35 U.S.C. § 103. Withdrawal of the rejection of claims 1-14 and 16-26 under 35 U.S.C. § 103 is respectfully requested.

New Claim 27

New claim 27 is fully supported by previously cancelled claim 16 as filed. Examination on the merits is requested.

Conclusion

In sum, all of the pending claims are now in condition for allowance and all objections have been addressed. Withdrawal of the rejections and objections, allowance of the claims, and notice to that effect are respectfully requested.

Respectfully submitted,

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